

On May 6, 2008, the undersigned attorney contacted the Examiner of the instant case for further clarification because the Notice of Allowance was dated before the Communication. The Examiner stated that he did issue the Communication dated April 23, 2008. However, the April 23, 2008 mail date was several months after he initially prepared the Communication in January 2008. The Examiner indicated that the Supplemental Amendment filed on April 2, 2008 was a sufficient response to the Office Action because it overcame the issues regarding the improper RCE, and the Notice of Allowance was in response to the Supplemental Amendment. Accordingly, the Examiner indicated that it was not necessary for Applicants to submit a "proper" RCE or submit another Request for Suspension of Action in response to the Communication.

Applicants request that the Examiner's instructions be made of record to ensure validity of the Notice of Allowance.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (referencing Attorney Docket No. 500.42984X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Donna K. Mason  
Registration No. 45,962

DKM/cmd  
(703) 684-1120